

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Misc. No. 06-003 (JJF)
)	
BEN-CEN, INC.,)	
)	
Defendant.)	

MOTION FOR CONTINUANCE OF HEARING
ON ORDER TO SHOW CAUSE

The United States of America, by and through undersigned counsel, respectfully requests that the hearing on the order to show cause why Ben-Cen, Inc. should not be held in contempt of this Court's Order of February 9, 2006, currently scheduled for April 24, 2006, be continued to May 11, 2006, at 11:00 a.m. The reason for this request is that counsel for the United States is scheduled to travel to Nashville, Tennessee, on April 24, 2006, to perform discovery in a case docketed in the United States District Court for the Middle District of Tennessee.

Dated: April 6, 2006

Respectfully submitted,

COLM F. CONNOLLY
United States Attorney

/s/ Jennifer L. Best
Jennifer L. Best, Esquire
Illinois Bar No.6269411
Trial Attorney, Tax Division
U.S. Department of Justice
PO Box 227, Ben Franklin Station
Washington, DC 20044
(202) 307-0714
jennifer.best@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of April, 2006, I electronically filed the attached **MOTION FOR CONTINUANCE OF HEARING ON ORDER TO SHOW CAUSE** and a proposed **ORDER** with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

/s/ Kathie Gray

Kathie Gray
Office of the United States Attorney
1007 Orange Street
Suite 700
Post Office Box 2046
Wilmington, Delaware 19899
(302) 573-6277
kathie.gray@usdoj.gov

I hereby attest that on this 6th day of April, 2006, I have mailed by United States Postal Service, the document to the following non-registered participants:

Ben-Cen, Inc.
Russell D. Applegate
620 S. Maryland Avenue
Wilmington, DE 19804

Ben Cen, Inc.
Russell D. Applegate
3301 Lancaster Pike
Wilmington, DE 19805

/s/ Jennifer L. Best

Jennifer L. Best, Esquire
Illinois Bar No.6269411
Trial Attorney, Tax Division
U.S. Department of Justice
PO Box 227, Ben Franklin Station
Washington, DC 20044
(202) 307-0714
jennifer.best@usdoj.gov

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Misc. No. 06-003 (JJF)
)	
BEN-CEN, INC.,)	
)	
Defendant.)	

ORDER

UPON CONSIDERATION of the United States' motion for continuance of hearing on the order to show cause, the reasons stated therein, and the entire record herein,

IT IS ORDERED that the United States' motion should be and it hereby is granted; and it is,

FURTHER ORDERED that a representative of Ben-Cen, Inc. appear before the United States District Court for the District of Delaware, on the 11th day of May, 2006, at 11:00 a.m., in Courtroom 4B, United States Courthouse, Wilmington, Delaware, to show cause why he should not be held in contempt of this Court's Order of February 9, 2006; it is further

DONE this _____ day of _____, 2006.

UNITED STATES DISTRICT JUDGE